

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

v.

CR. NO. 97-245

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ANGEL CHEVERE GONZALEZ

Defendant

DEFENDANT'S MOTION FOR EXPEDITED AND
ADVANCED REVIEW OF MOTION FOR NEW TRIAL

Comes now the Defendant, Angel C. Gonzalez, through himself, who moves the Court pursuant to Rule 78, F.R. Civ. Pro., for an expedited and advanced review of defendant's motion for a new trial lodged with this Court, on or about March 2005.

Rule 78, F.R. Civ. Pro., states: Unless local conditions make it impracticable, each district court shall establish regular time and places at intervals sufficiently frequent for the prompt dispatch of business, at which motions requiring notice and hearing may be heard and disposed of, but the judge at any time or place and on such notice, if any, as the judge considers reasonable may make orders for the advancement, conduct, and hearing of actions.

To expedite its business, the court may make provisions by rule or order for the submission and determination of motions without oral hearing upon brief written statements of reasons in support and opposition.

Defendant's motion for a new trial pursuant to Rule 33, Fed. R. Crim. Pro., has been pending issuance of a show cause order to the United States since March 2005, exceeding five months. The delay in issuing a show cause order compounds the prejudice to defendant, who claims 'actual innocence', witnesses may disappear or die, the evidence

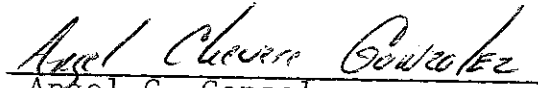
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may become stale or destroyed, memories losts, as well as, the impact incarceration has had on defendant under the Eighth Amendment, U.S. Constitution.

Due to the nature and substance of defendant's motion for a new trial, the affidavit attached, attesting to innocence, 'the ends of justice' would require that this matter be advanced and heard expeditiously. See e.g. Kuhlmann v. Wilson, 477 U.S. 436, 454 (1986). Cf Schlup v. Delo, 115 U.S. 851 (1995), 513 U.S. 316, 321, 325.

Accordingly, defendant Gonzalez respectfully prays that his pro se motion be granted, and his issue be brought to fruition.

Respectfully Submitted


Angel C. Gonzalez
USP Allenwood
P.O. Box 3000
White Deer, Pa. 17887-3000

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the attached motion was mailed, postage paid, first class mail, this 16 day of August 2005, properly addressed and mail to: U.S. Attorneys Office, Criminal Div. Room 1201, 350 Chardon Street, San Juan, P.R. 00918.


Angel Chevere Gonzalez
Pro Se Defendant